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August 4, 2008

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ORIGINAL

*LIMITED TO MATTERS AND PROCEEDINGS
 BEFORE FEDERAL COURTS AND AGENCIES.

WC Docket No. 08-54

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FILED/ACCEPTED

AUG - 4 2008

Federal Communications Commission
 Office of the Secretary

Marlene H. Dortch, Secretary
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, DC 20554

Dear Ms. Dortch:

IT&E Overseas, Inc. (IT&E), by its attorneys, submits this letter to notify the Commission that IT&E intends to relinquish its designation as an eligible telecommunications carrier (ETC) for all of its service areas, pursuant to section 214(e)(4) of the Communications Act of 1934, as amended (the Act). Such relinquishment will take place with the completion of IT&E's license transfers to PTI Pacifica, Inc (PTI), which is scheduled to occur upon Commission approval. Applications for this approval are pending, and may be granted in the near future.¹

IT&E is licensed by the Commission to provide wireless telephone service throughout all areas of Guam. IT&E was designated an ETC by the Commission pursuant to §214(e)(6) of the Act by Order on June 6, 2002.² IT&E was assigned study area code 669002.

¹ See File Nos. WC 08-54 and DA 08-974. While petitions to condition have been filed by a group of PTI's competitors with regard to matters unrelated to IT&E, responsive pleadings were filed on May 19, 2008 and the matter is ripe for a decision.

² *In the Matter of Federal-State Joint Board on Universal Service; IT&E Overseas, Inc.; Petition for Designation as*

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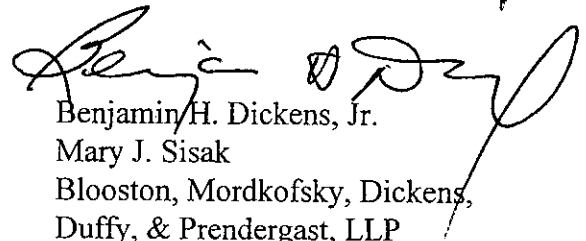
Pursuant to §214(e)(4) of the Act, on advance notice by the ETC, the Commission "shall permit an eligible telecommunications carrier to relinquish its designation as [an ETC] in any area served by more than one eligible telecommunications carrier." The Act further states that "[p]rior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, [the Commission] shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier."

As demonstrated herein, the requirements of Section 214(e)(4) are met, which should allow IT&E to relinquish its ETC designation. First, the territory of Guam is served by at least four other ETCs: Guam Telephone Authority (GTA), the incumbent local exchange carrier, Guam Cellular and Paging d/b/a Guamcell Communications (Guamcell), Pulse Mobile, LLC (Pulse), and PTI Pacifica, Inc. GTA, Guamcell, Pulse, and PTI are all presently designated as ETCs for the entire area for which IT&E is designated an ETC. Accordingly, as required by Section 214(e)(4), IT&E seeks to relinquish its ETC designation "for an area served by more than one eligible telecommunications carrier." Second, as ETCs and telecommunications carriers, GTA, Guamcell, Pulse, and PTI are each already required to serve all customers currently served by IT&E. Moreover, with the sale and transfer of IT&E's licenses, assets, properties, and customer base to PTI (one of the four remaining ETCs), PTI will continue providing service without interruption to all of IT&E's customers, using the exact same network currently operated by IT&E, with the exact same coverage. Third, because GTA, Guamcell, Pulse, and PTI already serve the entire territory of Guam, and because PTI will acquire IT&E's licenses, assets, properties, and customer base and continue providing service without interruption to all of IT&E's customers, there is no need for notice to permit the purchase or construction of facilities by the remaining ETCs.

Therefore, IT&E requests that the Commission permit IT&E to relinquish its ETC designation upon completion of its license transfers to Pacific Telecom, Inc (PTI).

Please direct any questions or correspondence concerning the above matters to the undersigned counsel.

Respectfully,



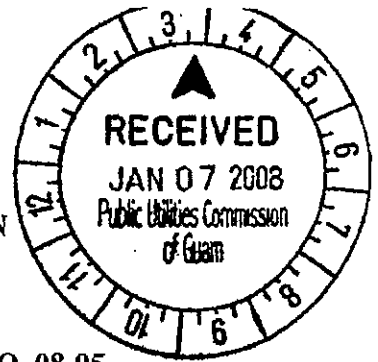
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Wireline Competition Bureau



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

APPLICATION OF PTI PACIFICA }
FOR DESIGNATION AS AN }
ELIGIBLE TELECOMMUNICATIONS CARRIER }

DOCKET NO. 08-05

ORDER APPROVING DESIGNATION

Procedural History

On September 28, 2007 PTI Pacifica, Inc. ("PTI") submitted a petition for designation as an eligible telecommunications carrier ("ETC") throughout the Territory of Guam. In its petition, PTI acknowledged the authority of the Commission to make such a designation and stated that it had never made an ETC application to the Federal Communications Commission ("FCC"). In its application, PTI relied on the Commission's Order Approving Designation in Docket No. 06-08, Application of Pulse Mobile, LLC (Pulse Mobile).

On November 16, 2007, the Commission's consultant, Georgetown Consulting Group ("GCG"), filed comments indicating that PTI's petition for ETC designation should be granted subject to the following conditions:

- (1) PTI must comply with any local usage requirements prescribed by the FCC;
- (2) PTI must comply with any FCC requirements concerning E911 service when implemented in the Territory of Guam;
- (3) PTI must certify to the Commission by August 31 of each year, beginning 2008, that PTI (a) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the federal Communications Act of 1934, as amended (the "Federal Act") either using its own facilities or a combination of its own facilities and resale and (b) advertises the availability of supported services and the charges therefor using medial of general distribution as described in its petition;
- (4) PTI must notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements;
- (5) PTI must file with the Commission a copy of each annual certification made by PTI under Section 54.314(b) of the FCC's rules;
- (6) PTI must submit to the Commission by August 31 of each year, beginning 2008, the following records and documentation: (a) PTI's progress towards meeting its build-out plans; (b) information on any outage lasting at least

30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities; (c) the number of requests for service from potential customers within PTI's service area that were unfulfilled for the past year; (d) the number of complaints per 1,000 handsets; (e) PTI's compliance with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (the "CTIA Consumer Code"); (f) PTI's certification that it is able to function in emergency situations; (g) PTI's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and (h) PTI's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.

(7) PTI must promptly submit to the Commission any additional information or reports that that Commission may reasonably request from time to time.

On December 5, 2007, PTI wrote a letter to the Commission requesting clarification of two matters in GCG's report. First, PTI questioned the due date for the certifications and documentation it is required to submit to the Commission under conditions (3) and (6). PTI noted that the Commission ordered Pulse Mobile to submit this information by October 1 of each year. Second, PTI questioned the applicability of condition (5), saying Section 54.314(b) only applied to carriers not subject to PUC jurisdiction with regard to designation of carriers as ETCs.

On December 11, 2007, GCG responded to PTI's questions, saying the due date was chosen to allow sufficient time for the Commission to perform due diligence before it is required to submit its annual certification letter to the Universal Service Administrator ("USAC") and the FCC. USAC requires Commission certification by September 30 if ETCs are to receive a full year of funding. GCG also noted that it had previously recommended that the annual due date for all ETCs except GTA Telecom be set as not later than August 31 each year. In response to PTI's second question, GCG acknowledged that condition (5) should be clarified to require PTI to file an annual certification with the Commission in substantially the form required by Section 54.314(b) and Section 54.314(c) of the FCC's rules to verify that PTI will use federal high-cost support only for those facilities and services for which the support is intended, regardless of whether the certification must actually be filed by PTI with the USAC and the FCC under Section 54.314(b).

On December 12, 2007 and December 16, 2007, the Commission published notice of PTI's petition and requested comments from interested persons. No comments were received by the Commission from any other interested party.

Discussion and Findings of Fact

1. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is generally responsible for designating a telecommunications carrier as an ETC within the Territory of Guam in accordance with the requirements of the Federal Act.

2. The Federal Act provides that the Commission may designate a telecommunications carrier as an ETC if the following requirements are satisfied:

(a) the carrier offers services that are supported by the federal universal service support mechanism, either using its own facilities or a combination of its own facilities and resale of another carrier's services;

(b) the carrier advertises the availability of such services and the charges therefor using media of general distribution; and

(c) the designation of such carrier as an ETC is in the public interest (if such carrier is seeking designation for an area served by a rural telephone company that has already been designated as an ETC).¹

3. PTI is authorized to provide commercial mobile radio service in the entire Territory of Guam. PTI also certifies in its petition that it will offer all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act to any requesting customer within its designated service area; PTI offers, or will offer, the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services; and PTI advertises, or will advertise, the availability of supported services and the charges therefor using media of general distribution.

4. The FCC has indicated that a commitment in the petition to provide all of the supported services and to advertise using media of general application upon designation as an ETC is sufficient to satisfy the FCC's requirements. However, the Commission finds that PTI must certify to the Commission no later than August 31, 2008 that PTI (a) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale and (b) advertises the availability of supported services and the charges therefor using media of general distribution as described in its petition. The Commission finds that the August 31 due date is necessary to satisfy the need for sufficient time for the Commission to perform a "due diligence" review.

5. With respect to supported local usage, PTI indicates that it "will satisfy the local usage criterion for ETC designation based upon its offering of unlimited local usage calling plans." Consistent with the FCC's rules, the Commission finds that any designation of PTI as an ETC be conditioned on PTI's compliance with any local usage requirements prescribed by the FCC.

¹ 47 U.S.C. § 214(e). The FCC has defined the services that are to be supported by the federal universal service support mechanisms to include: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multifrequency (DTMF) signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services, including 911 and enhanced 911; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance; and (9) toll limitation for qualifying low-income customers. 47 C.F.R. § 54.101(a).

6. With respect to supported access to emergency service, PTI indicates that it will offer emergency 911 service but not E911 service. However, to the extent a governmental authority in the Territory of Guam implements E911 systems, PTI will be required to provide E911 service. Therefore, the Commission finds that any designation of PTI as an ETC be conditioned on PTI's compliance with any FCC requirements concerning E911 service when implemented in the Territory of Guam.

7. On March 17, 2005, the FCC adopted additional requirements for ETC designation proceedings in which the FCC acts pursuant to 47 U.S.C. § 214(e)(6).² All carriers seeking ETC designation from the FCC must satisfy these requirements. The Commission finds that such additional requirements should be used by the Commission in evaluating PTI's petition for ETC designation, in the same manner as the Commission found in Docket 06-08 concerning its evaluation of Pulse Mobile's petition for ETC designation.

8. Pursuant to the additional requirements adopted by the FCC in the *ETC Designation Order*, any applicant for ETC designation must:

- (I) (i) Commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will:
 - (A) Provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and
 - (B) Provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (1) Modifying or replacing the requesting customer's equipment;
 - (2) Deploying a roof-mounted antenna or other equipment;
 - (3) Adjusting the nearest cell tower;
 - (4) Adjusting network or customer facilities;
 - (5) Reselling services from another carrier's facilities to provide service; or

² In the *Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (released March 17, 2005) (the "*ETC Designation Order*").

- (6) Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.
- (ii) Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. Each applicant shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.
- (2) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.
- (3) Demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis.
- (4) Demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which it seeks designation.
- (5) Certify that the carrier acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

9. The Commission finds that PTI has satisfied all of the additional mandatory requirements set forth in the *ETC Designation Order*. First, PTI has certified that it will provide service throughout the Territory of Guam to all customers making a reasonable request for service in accordance with the FCC's requirements. In this regard, PTI has committed that it will notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements. Second, PTI has certified that it will have a reasonable amount of back-up power, the ability to reroute traffic and

the capability to manage traffic spikes to remain functional in emergency situations. Third, PTI has committed to comply with the CTIA Consumer Code. Fourth, PTI has indicated that it will offer a rate plan to its universal service customers that includes unlimited local usage comparable to the rate plan offered by GTA Telecom, LLC. Fifth, PTI has certified that it acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

10. PTI has submitted a five-year plan that describes proposed improvements or upgrades to its network, including improvements on a wire center-by-wire center or cell tower-by-cell tower basis and the estimated amount of investment for each project that is funded by high-cost support. However, because the FCC has recognized that such plans are always subject to change and given FCC precedent for the filing of such plans after ETC designation, the Commission finds that such a detailed build-out plan should be updated by PTI following ETC designation as part of its annual filing with the Commission.

11. For the public interest determination, the *ETC Designation Order* provides that the Commission should consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the ETC applicant's service offering. In instances where an ETC applicant seeks designation below the study area level of a rural telephone company, the Commission must also conduct a creamskimming analysis that compares the population density of each wire center in which the ETC applicant seeks designation against that of the wire centers in the study area in which the ETC applicant does not seek designation.

12. The Commission believes that PTI's universal service offering may provide a variety of benefits to customers in Guam, including consumer choice and advantageous service offerings. For instance, universal service support will help PTI construct facilities to improve its coverage of all areas of Guam. In addition, PTI has made detailed commitments to provide high quality service throughout the Territory of Guam. The mobility of PTI's wireless service will provide further benefits to consumers, such as access to emergency services in geographically isolated areas. Finally, given the size of the federal universal service fund, the Commission believes it is unlikely that PTI's ETC designation would have an adverse impact on the federal universal service fund.

13. Because PTI seeks ETC designation for the entire Territory of Guam and not below the study area level of the incumbent local exchange carrier, the creamskimming analysis required by the *ETC Designation Order* is not required.

14. PTI is obligated under Section 254(e) of the Federal Act to use high cost support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended" and is required under Section 54.314 of the FCC's rules to certify annually that it is in compliance with this requirement. PTI has certified to the Commission that, "consistent with Section 54.314(b) of the FCC's rules, all federal high-cost support will be used solely for the provision, maintenance and upgrading of facilities and services for which support is intended pursuant to Section 254(e) of the [Federal] Act." The Commission finds that PTI should be required to file an annual certification with the Commission in substantially the form required by Section 54.314(b) and Section 54.314(c) of the FCC's rules to verify that PTI will use federal

high-cost support only for those facilities and services for which the support is intended, regardless of whether the certification must actually be filed by PTI with the USAC and the FCC under Section 54.314(b).

15. In addition, PTI has committed to submit to the Commission on an annual basis the following records and documentation, in addition to any other information or reports that that Commission may reasonably request from time to time:

- PTI's progress towards meeting its build-out plans;
- Information on any outage lasting at least 30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities;
- The number of requests for service from potential customers within PTI's service area that were unfulfilled for the past year;
- The number of complaints per 1,000 handsets;
- PTI's compliance with the CTIA Consumer Code;
- PTI's ability to function in emergency situations;
- PTI's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and
- PTI's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.

16. The Commission finds that PTI must submit these records and documentation to the Commission by August 31 of each year, beginning 2008. Consistent with FCC requirements: (1) the progress report should include maps detailing progress towards meeting PTI's five-year service quality improvement plan, explanations of how much universal service support was received and how the support was used to improve service quality in each wire center or cell tower for which designation was obtained, and an explanation of why any network improvement targets have not been met; and (2) the information on PTI's outages should include the date and time of onset of the outage, a brief description of the outage, the particular services affected by the outage, the geographic areas affected by the outage and steps taken to prevent a similar outage situation in the future. The Commission finds that PTI must provide additional information and reports to the Commission when request therefor is made by the Commission or its staff from time to time.

Order

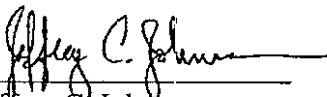
Based upon the foregoing, the Commission orders that:

1. PTI is hereby designated as an ETC throughout the Territory of Guam subject to the following conditions:

- (a) PTI must comply with any local usage requirements prescribed by the FCC;
- (b) PTI must comply with any FCC requirements concerning E911 service when implemented in the Territory of Guam;
- (c) PTI must certify to the Commission by August 31 of each year, beginning 2008, that PTI (i) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale and (ii) advertises the availability of supported services and the charges therefor using medial of general distribution as described in its petition;
- (d) PTI must notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements;
- (e) PTI must file a detailed build-out plan satisfying the FCC's requirements as part of its annual submission of certifications and documentation;
- (f) PTI must file with the Commission by August 31 of each year, beginning 2008, an annual certification in substantially the form required by Section 54.314(b) and Section 54.314(c) of the FCC's rules to verify that PTI will use federal high-cost support only for those facilities and services for which the support is intended;
- (g) PTI must submit to the Commission by August 31 of each year, beginning 2008 the following records and documentation: (i) PTI's progress towards meeting its build-out plans; (ii) information on any outage lasting at least 30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities; (iii) the number of requests for service from potential customers within PTI's service area that were unfulfilled for the past year; (iv) the number of complaints per 1,000 handsets; (v) PTI's compliance with the CTIA Consumer Code; (vi) PTI's certification that it is able to function in emergency situations; (vii) PTI's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and (viii) PTI's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.
- (h) PTI must promptly submit to the Commission any additional information or reports that that Commission may reasonably request from time to time.

2. The Commission reserves jurisdiction and authority to (a) institute an inquiry on its own motion to examine PTI's records and documentation to ensure that the high-cost support it receives is being used "only for the provision, maintenance, and upgrading of facilities and services" in the Territory of Guam, (b) revoke PTI's ETC designation if it fails to fulfill any requirements of Section 214 of the Federal Act, the FCC's rules and regulations or the Commission's order after PTI begins receiving universal service support and (c) assess penalties for violations of the Commission's rules and orders.

Dated this 7th day of January, 2008

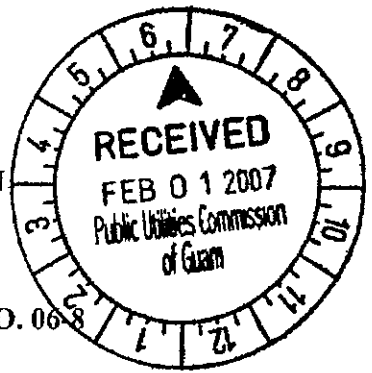


Jeffrey C. Johnson
PUC Chairman

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

APPLICATION OF PULSE MOBILE, LLC }
FOR DESIGNATION AS AN }
ELIGIBLE TELECOMMUNICATIONS CARRIER }

DOCKET NO. 06-8



ORDER APPROVING DESIGNATION

Procedural History

On or about January 31, 2005, Pulse Mobile, LLC ("Pulse Mobile") (formerly GTA Wireless, LLC) requested a letter from the Commission that Pulse Mobile is not subject to the jurisdiction of the Commission, or that the Commission declines jurisdiction, so that Pulse Mobile could petition the Federal Communications Commission ("FCC") for designation as an eligible telecommunications carrier ("ETC") under Section 214(e)(6) of the federal Communications Act of 1934, as amended (the "Federal Act"). A telecommunications carrier that has been designated as an ETC is eligible to receive federal high-cost universal service support under Section 254 of the Federal Act.

The Commission issued a letter on February 25, 2005, stating that the Commission intended to refrain from exercising jurisdiction over Pulse Mobile for the limited purpose of acting upon Pulse Mobile's then proposed petition for designation as an ETC. Pulse Mobile filed a petition for ETC designation with the FCC on May 19, 2005.

After Pulse Mobile's petition was not timely acted upon by the FCC, Pulse Mobile filed with the Commission on July 26, 2006 a petition for designation as an ETC throughout the Territory of Guam. On September 28, 2006, the Commission issued an order asserting jurisdiction over Pulse Mobile's petition. On October 2, 2006, Pulse Mobile withdrew its petition to the FCC for ETC designation.

On November 17, 2006, the Commission's consultant, Georgetown Consulting Group, filed comments indicating that Pulse Mobile's petition for ETC designation should be granted subject to the following conditions:

- (1) Pulse Mobile must comply with any local usage requirements prescribed by the FCC;
- (2) Pulse Mobile must comply with any FCC requirements concerning E911 service when implemented in the Territory of Guam;
- (3) Pulse Mobile must certify to the Commission on October 1 of each year, beginning October 1, 2007, that Pulse Mobile (a) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale and (b) advertises the availability of supported services and the charges therefor using medial of general distribution as described in its petition;

(4) Pulse Mobile must notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements;

(5) Pulse Mobile must file a detailed build-out plan satisfying the FCC's requirements no later than October 1, 2007;

(6) Pulse Mobile must file with the Commission a copy of each annual certification made by Pulse Mobile under Section 54.314(b) of the FCC's rules;

(7) Pulse Mobile must submit to the Commission on October 1 of each year, beginning October 1, 2007 the following records and documentation: (a) Pulse Mobile's progress towards meeting its build-out plans; (b) information on any outage lasting at least 30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities; (c) the number of requests for service from potential customers within Pulse Mobile's service area that were unfulfilled for the past year; (d) the number of complaints per 1,000 handsets; (e) Pulse Mobile's compliance with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (the "CTIA Consumer Code"); (f) Pulse Mobile's certification that it is able to function in emergency situations; (g) Pulse Mobile's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and (h) Pulse Mobile's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.

(8) Pulse Mobile must promptly submit to the Commission any additional information or reports that that Commission may reasonably request from time to time.

On November 22, 2006 and November 27, 2006, the Commission published notice of Pulse Mobile's petition and requested comments from interested persons. No comments were received by the Commission from any other interested party.

Discussion and Findings of Fact

1. Pursuant to 47 U.S.C. § 214(e)(2), the Commission is generally responsible for designating a telecommunications carrier as an ETC within the Territory of Guam in accordance with the requirements of the Federal Act.

2. The Federal Act provides that the Commission may designate a telecommunications carrier as an ETC if the following requirements are satisfied:

(a) the carrier offers services that are supported by the federal universal service support mechanism, either using its own facilities or a combination of its own facilities and resale of another carrier's services;

(b) the carrier advertises the availability of such services and the charges therefor using media of general distribution; and

(c) the designation of such carrier as an ETC is in the public interest (if such carrier is seeking designation for an area served by a rural telephone company that has already been designated as an ETC).¹

3. Pulse Mobile is authorized to provide commercial mobile radio service in the entire Territory of Guam. Pulse Mobile also certifies in its petition that: "Pulse Mobile offers, or will offer, all of the services designated by the FCC for support pursuant to Section 254(c) of the [Federal] Act to any requesting customer within its designated service area; Pulse Mobile offers, or will offer, the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services; and Pulse Mobile advertises, or will advertise, the availability of supported services and the charges therefor using media of general distribution as described in the Advertising Plan attached to the ... Petition."

4. The FCC has indicated that a commitment in the petition to provide all of the supported services and to advertise using media of general application upon designation as an ETC is sufficient to satisfy the FCC's requirements. However, the Commission finds that Pulse Mobile must certify to the Commission no later than October 1, 2007 that Pulse Mobile (a) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale and (b) advertises the availability of supported services and the charges therefor using media of general distribution as described in its petition.

5. With respect to supported local usage, Pulse Mobile indicates that it "will satisfy the local usage criterion for ETC designation based upon its offering of unlimited local usage calling plans." Consistent with the FCC's rules, the Commission finds that any designation of Pulse Mobile as an ETC be conditioned on Pulse Mobile's compliance with any local usage requirements prescribed by the FCC.

6. With respect to supported access to emergency service, Pulse Mobile indicates that it will offer emergency 911 service but not E911 service. However, to the extent a governmental authority in the Territory of Guam implements E911 systems, Pulse Mobile will be required to provide E911 service. Therefore, the Commission finds that any designation of Pulse Mobile as an ETC be conditioned on Pulse Mobile's compliance with any FCC requirements concerning E911 service when implemented in the Territory of Guam.

¹ 47 U.S.C. § 214(e). The FCC has defined the services that are to be supported by the federal universal service support mechanisms to include: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multifrequency (DTMF) signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services, including 911 and enhanced 911; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance; and (9) toll limitation for qualifying low-income customers. 47 C.F.R. § 54.101(a).

7. On March 17, 2005, the FCC adopted additional requirements for ETC designation proceedings in which the FCC acts pursuant to 47 U.S.C. § 214(e)(6).² All carriers seeking ETC designation from the FCC must satisfy these requirements. By order dated September 28, 2006 in this docket, the Commission determined that the additional requirements adopted by the FCC would be used by the Commission in evaluating Pulse Mobile's petition.

8. Pursuant to the additional requirements adopted by the FCC in the *ETC Designation Order*, any applicant for ETC designation must:

- (1) (i) Commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will:
 - (A) Provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and
 - (B) Provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (1) Modifying or replacing the requesting customer's equipment;
 - (2) Deploying a roof-mounted antenna or other equipment;
 - (3) Adjusting the nearest cell tower;
 - (4) Adjusting network or customer facilities;
 - (5) Reselling services from another carrier's facilities to provide service; or
 - (6) Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.
- (ii) Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated

² In the *Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (released March 17, 2005) (the "*ETC Designation Order*").

service area. Each applicant shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

- (2) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.
- (3) Demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis.
- (4) Demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which it seeks designation.
- (5) Certify that the carrier acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

9. Except as provided below, the Commission finds that Pulse Mobile has satisfied all of the additional mandatory requirements set forth in the *ETC Designation Order*. First, Pulse Mobile has certified that it will provide service throughout the Territory of Guam to all customers making a reasonable request for service in accordance with the FCC's requirements. In this regard, Pulse Mobile has committed that it will notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements. Second, Pulse Mobile has certified that it has a reasonable amount of back-up power, the ability to reroute traffic and the capability to manage traffic spikes to remain functional in emergency situations. Third, Pulse Mobile has committed to comply with the CTIA Consumer Code. Fourth, Pulse Mobile has indicated that it will offer a rate plan to its universal service customers that includes unlimited local usage comparable to the rate plan offered by GTA Telecom, LLC. Fifth, Pulse Mobile has certified that it acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

10. Pulse Mobile has also submitted a five-year plan that describes proposed improvements or upgrades to its network in a summary fashion. The Commission finds that such plan does not currently include sufficient detail to satisfy the FCC's requirements. For example, the plan does not describe improvements on a wire center-by-wire center or cell tower-by-cell tower basis and does not provide the estimated amount of investment for each project that is funded by high-cost support. However, because the FCC has recognized that such plans are always subject to change and given FCC precedent for the filing of such plans after ETC designation, the Commission finds that such a detailed build-out plan may be filed by Pulse Mobile following ETC designation as part of its first annual filing with the Commission discussed below in this order. Therefore, the Commission directs Pulse Mobile to file a current, detailed build-out plan satisfying the FCC's requirements no later than October 1, 2007.

11. For the public interest determination, the *ETC Designation Order* provides that the Commission should consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the ETC applicant's service offering. In instances where an ETC applicant seeks designation below the study area level of a rural telephone company, the Commission must also conduct a creamskimming analysis that compares the population density of each wire center in which the ETC applicant seeks designation against that of the wire centers in the study area in which the ETC applicant does not seek designation.

12. The Commission believes that Pulse Mobile's universal service offering may provide a variety of benefits to customers in Guam, including consumer choice and advantageous service offerings. For instance, universal service support will help Pulse Mobile construct facilities to improve quality of service and upgrade its current technology. In addition, Pulse Mobile has indicated that it will use support to offer a basic universal service package to subscribers who are eligible for Lifeline support and Pulse Mobile has made detailed commitments to provide high quality service throughout the Territory of Guam. The mobility of Pulse Mobile's wireless service will provide further benefits to consumers, such as access to emergency services in geographically isolated areas. Finally, given the size of the federal universal service fund, the commission believes it is unlikely that Pulse Mobile's ETC designation would have an adverse impact on the federal universal service fund.

13. Because Pulse Mobile seeks ETC designation for the entire Territory of Guam and not below the study area level of the incumbent local exchange carrier, the creamskimming analysis required by the *ETC Designation Order* is not required.

14. Pulse Mobile is obligated under Section 254(e) of the Federal Act to use high cost support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended" and is required under Section 54.314 of the FCC's rules to certify annually that it is in compliance with this requirement. Pulse Mobile has certified to the Commission that, "consistent with Section 54.314(b) of the FCC's rules, all federal high-cost support will be used solely for the provision, maintenance and upgrading of facilities and services for which support is intended pursuant to Section 254(e) of the [Federal] Act." The Commission finds that Pulse Mobile should be required to file with the Commission a copy of each annual certification made by Pulse Mobile under Section 54.314(b) of the FCC's rules.

15. In addition, Pulse Mobile has committed to submit to the Commission on an annual basis the following records and documentation, in addition to any other information or reports that that Commission may reasonably request from time to time:

- Pulse Mobile's progress towards meeting its build-out plans;
- Information on any outage lasting at least 30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities;
- The number of requests for service from potential customers within Pulse Mobile's service area that were unfulfilled for the past year;
- The number of complaints per 1,000 handsets;
- Pulse Mobile's compliance with the CTIA Consumer Code;
- Pulse Mobile's ability to function in emergency situations;
- Pulse Mobile's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and
- Pulse Mobile's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.

16. The Commission finds that Pulse Mobile must submit these records and documentation to the Commission on October 1 of each year, beginning October 1, 2007. Consistent with FCC requirements: (1) the progress report should include maps detailing progress towards meeting Pulse Mobile's five-year service quality improvement plan, explanations of how much universal service support was received and how the support was used to improve service quality in each wire center or cell tower for which designation was obtained, and an explanation of why any network improvement targets have not been met; and (2) the information on Pulse Mobile's outages should include the date and time of onset of the outage, a brief description of the outage, the particular services affected by the outage, the geographic areas affected by the outage and steps taken to prevent a similar outage situation in the future. The Commission finds that Pulse Mobile must provide additional information and reports to the Commission when request therefor is made by the Commission or its staff from time to time.

Order

Based upon the foregoing, the Commission orders that:

1. Pulse Mobile is hereby designated as an ETC throughout the Territory of Guam subject to the following conditions:

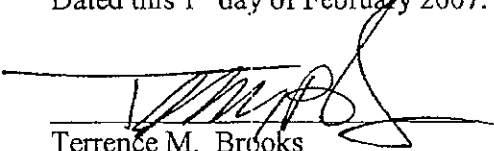
- (a) Pulse Mobile must comply with any local usage requirements prescribed by the FCC;

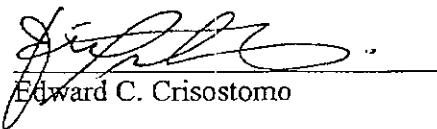
- (b) Pulse Mobile must comply with any FCC requirements concerning E911 service when implemented in the Territory of Guam;
- (c) Pulse Mobile must certify to the Commission on October 1 of each year, beginning October 1, 2007, that Pulse Mobile (i) offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale and (ii) advertises the availability of supported services and the charges therefor using medial of general distribution as described in its petition;
- (d) Pulse Mobile must notify the Commission within thirty (30) days of any determination that it cannot provide service to a requesting customer in accordance with the FCC's requirements;
- (e) Pulse Mobile must file a detailed build-out plan satisfying the FCC's requirements no later than October 1, 2007;
- (f) Pulse Mobile must file with the Commission a copy of each annual certification made by Pulse Mobile under Section 54.314(b) of the FCC's rules;
- (g) Pulse Mobile must submit to the Commission on October 1 of each year, beginning October 1, 2007 the following records and documentation: (i) Pulse Mobile's progress towards meeting its build-out plans; (ii) information on any outage lasting at least 30 minutes and potentially affecting either at least 10 percent of the end users served or 911 facilities; (iii) the number of requests for service from potential customers within Pulse Mobile's service area that were unfulfilled for the past year; (iv) the number of complaints per 1,000 handsets; (v) Pulse Mobile's compliance with the CTIA Consumer Code; (vi) Pulse Mobile's certification that it is able to function in emergency situations; (vii) Pulse Mobile's certification that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier; and (viii) Pulse Mobile's certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.
- (h) Pulse Mobile must promptly submit to the Commission any additional information or reports that that Commission may reasonably request from time to time.

2. The Commission reserves jurisdiction and authority to (a) institute an inquiry on its own motion to examine Pulse Mobile's records and documentation to ensure that the high-cost support it receives is being used "only for the provision, maintenance, and upgrading of facilities and services" in the Territory of Guam, (b) revoke Pulse Mobile's ETC designation if it fails to fulfill any requirements of Section 214 of the Federal Act, the FCC's rules and

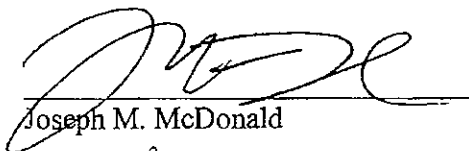
regulations or the Commission's order after Pulse Mobile begins receiving universal service support and (c) assess penalties for violations of the Commission's rules and orders.


Dated this 1st day of February 2007.



Terrence M. Brooks

Edward C. Crisostomo

Rowena E. Perez

Joseph M. McDonald

Filomena M. Cantoria

Jeffrey C. Johnson

7 of 23 DOCUMENTS

In the Matter of Federal-State Joint Board on Universal Service; Guam Cellular and
Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible
Telecommunications Carrier In the Territory of Guam

CC Docket No. 96-45

RELEASE-NUMBER: DA 02-174

FEDERAL COMMUNICATIONS COMMISSION

17 FCC Rcd 1502; 2002 FCC LEXIS 407

January 25, 2002 Released; Adopted January 24, 2002

ACTION:

[**1] MEMORANDUM OPINION AND ORDER

JUDGES: By the Deputy Chief, Common Carrier Bureau

OPINION BY: MATTEY

OPINION:

[*1502] **I. INTRODUCTION**

1. In this Order, we grant the petition of Guam Cellular and Paging, Inc. d/b/a Guamcell Communications (Guamcell) to be designated as an eligible telecommunications carrier (ETC) in the territory of Guam pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act). n1 In so doing, we conclude that Guamcell has provided an affirmative statement that the Public Utilities Commission of Guam (Guam Commission) lacks the jurisdiction to perform the designation over Guamcell and that the Commission therefore has authority to perform the requested ETC designation under section 214(e)(6) of the Act. n2 We also find that Guamcell has satisfied the statutory eligibility requirements of section 214(e)(1). n3 Specifically, we conclude that Guamcell has demonstrated that it will offer and advertise the services supported by the federal universal service support mechanisms throughout the designated service area. In addition, we find that the designation of Guamcell as an ETC in the [*1503] area served by Guam Telephone Authority, which is the rural incumbent local exchange carrier [**2] (LEC) in Guam, n4 serves the public interest by promoting competition and the provision of new technologies to consumers in high-cost and rural areas of Guam.

n1 Guam Cellular and Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible Telecommunications Carrier in the territory of Guam, filed July 26, 2001 (Guamcell Petition). *See 47 U.S.C. § 214(e)(6)*. The Commission has jurisdiction over interstate and foreign common carrier communications that originate or terminate in the United States. *See 47 U.S.C. §§ 151 and 152*. Guam, as a United States territory, is subject to the jurisdiction of the Commission. *See 47 U.S.C. § 153(51)* (defining "United States" to include "the several States and Territories."). *See also IT & E Overseas, Inc. and PCI Communications, Inc. Petition for Emergency Relief and Expedited Declaratory Ruling, Memorandum Opinion and Order, 7 FCC Rcd 4023 (1992)* (holding that the Commission has exclusive jurisdiction over interstate and foreign common carrier communications that originate or terminate in the territory of Guam).

[**3]

n2 47 U.S.C. § 214(e)(6).

n3 47 U.S.C. § 214(e)(1).

n4 See Guamcell Petition at 3 and 9.

II. BACKGROUND

A. The Act

2. Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support." n5 Pursuant to section 214(e)(1), a common carrier designated as an ETC must offer and advertise the services supported by the federal universal service mechanisms throughout the designated service area. n6

n5 47 U.S.C. § 254(e).

n6 Section 214(e)(1) provides that:

A common carrier designated as an eligible telecommunications carrier under [subsections 214(e)(2), (3), or (6)] shall be eligible to receive universal service support in accordance with section 254 and shall, throughout the service area for which the designation is received --

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

47 U.S.C. § 214(e)(1).

[**4]

3. Section 214(e)(2) of the Act gives state commissions the primary responsibility for performing ETC designations. n7 Section 214(e)(6), however, directs the Commission, upon request, to designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission." n8 Under section 214(e)(6), upon request and consistent with the public interest, convenience, and necessity, the [*1504] Commission may, with respect to an area served by a rural telephone company, and shall, in all other cases, designate more than one common carrier as an ETC for a designated service area, so long as the requesting carrier meets the requirements of section 214(e)(1). n9 Before designating an additional ETC for an area served by a rural telephone company, the Commission must determine that the designation is in the public interest. n10 On December 29, 1997, the Commission released a Public Notice establishing the requisite procedures for carriers seeking Commission designation as an ETC under section 214(e)(6). n11

n7 47 U.S.C. § 214(e)(2). See also *Federal-State Joint Board on Universal Service; Promoting Deployment*

and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12255, para. 93 (2000) (Twelfth Report and Order).

[**5]

n8 47 U.S.C. § 214(e)(6). See *Designation of Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., San Carlos Telecommunications, Inc., and Tohono O'odham Utility Authority as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, CC Docket No. 96-45, Memorandum Opinion and Order, 13 FCC Rcd 4547 (Com. Car. Bur. 1998); Petition of Saddleback Communications for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act, CC Docket No. 96-45, Memorandum Opinion and Order, 13 FCC Rcd 22433 (Com. Car. Bur. 1998); Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48 (Com. Car. Bur. 2000); Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 18133 (2001).*

[**6]

n9 47 U.S.C. § 214(e)(6).

n10 *Id.*

n11 *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice, 12 FCC Rcd 22947 (1997) (Section 214(e)(6) Public Notice).* In the *Section 214(e)(6) Public Notice*, the Commission delegated authority to the Chief of the Common Carrier Bureau to designate carriers as ETCs pursuant to section 214(e)(6). The Commission instructed carriers seeking ETC designation to, among other things, set forth the following in a petition: (1) a certification and brief statement of supporting facts demonstrating that the petitioner is "not subject to the jurisdiction of a state commission;" (2) a certification that the petitioner offers all services designated for support by the Commission pursuant to section 254(c); (3) a certification that the petitioner offers the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services;" and (4) a description of how the petitioner "advertise[s] the availability of [supported] services and the charges therefor using media of general distribution." If the petitioner meets the definition of a "rural telephone company" under section 3(37) of the Act, the petitioner must also identify its study area. If the petitioner is not a rural telephone company, the petitioner must include a detailed description of the geographic service area for which it requests a ETC designation from the Commission. *Id.*

[**7]

B. Twelfth Report and Order and the Guamcell Petition

4. Pursuant to the *Twelfth Report and Order*, carriers seeking designation as an eligible telecommunications carrier for service provided on non-tribal lands must first consult with the appropriate state regulatory commission, even if the carrier contends that the state commission lacks jurisdiction over the carrier. n12 While a carrier may assert that state law precludes the state commission from exercising jurisdiction over the carrier for purposes of ETC designation under section 214(e)(2), the principle of federal-state comity dictates that the state commission be afforded an opportunity to interpret state law. n13 Accordingly, the Commission will only consider section 214(e)(6) designation requests from carriers serving non-tribal lands where a carrier provides the Commission with an "affirmative statement" from a court

of competent jurisdiction or the state commission that it lacks jurisdiction to perform ETC designations over a particular carrier. n14

n12 *Twelfth Report and Order* at 12255, para. 93.

n13 *Id.* at 12264, para. 113.

n14 *Id.* An "affirmative statement" from a state commission may consist of any duly authorized letter, comment, or state commission order indicating that the body lacks jurisdiction to perform the requested designation for a particular carrier. *Id.*

[**8]

5. Guamcell consulted with the Guam Commission regarding its jurisdiction over commercial mobile radio service (CMRS) carriers in connection with Guamcell's efforts to obtain ETC designation for the territory of Guam. n15 In response to Guamcell's inquiry, the [*1505] Guam Commission released a letter on June 1, 2001, indicating that the Guam Commission "does not presently regulate the permitting, rates or business activities of telecommunications carriers other than GTA [Guam Telephone Authority]," the incumbent local exchange carrier serving Guam. n16 On July 26, 2001, Guamcell filed with this Commission a petition pursuant to section 214(e)(6) seeking designation of eligibility to receive federal universal service support for service to be provided throughout its licensed service area in the territory of Guam. n17 Contending that the June 2001 letter from the Guam Commission constitutes an affirmative statement that the Guam Commission "does not intend to designate CMRS carriers as ETCs," Guamcell asks the Commission to exercise jurisdiction and designate Guamcell as an ETC pursuant to section 214(e)(6). n18 Guamcell further maintains that it satisfies the statutory and regulatory prerequisites [**9] for ETC designation, and that designating Guamcell as an ETC will serve the public interest. n19

n15 Guamcell Petition at 3.

n16 *See* Guamcell Petition at Exhibit A (Letter from Public Utilities Commission of Guam to Guamcell Communications, dated June 1, 2001 (Guam Commission Letter)).

n17 *See generally* Guamcell Petition.

n18 Guamcell Petition at 3-4.

n19 *Id.* at 1.

III. DISCUSSION

6. We find that Guamcell has met all the requirements set forth in sections 214(e)(1) and (e)(6) to be designated as an ETC by this Commission for the provision of service throughout the territory of Guam. We conclude that Guamcell has demonstrated that the Guam Commission lacks the jurisdiction to perform the designation and that the Commission therefore may consider Guamcell's petition under section 214(e)(6). We also conclude that Guamcell has demonstrated that it now offers or will offer and advertise the services supported by the federal universal service support mechanisms throughout the designated service area upon designation as an ETC. Furthermore, we find that the designation of Guamcell as an ETC in the area served by the rural telephone company in Guam serves [**10] the public interest by promoting competition and the provision of new technologies to consumers in high-cost and rural areas of Guam. Pursuant to our authority under section 214(e)(6), we therefore designate Guamcell as an ETC for the territory of Guam.

7. *Commission Authority to Perform the ETC Designation.* We find that Guamcell has demonstrated that the Guam Commission lacks the jurisdiction to perform the requested ETC designation and that the Commission therefore has